

FILED CL

2/23/2021

**THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

JOSE LUIS OLIVA

No. 20 CR 825

Violations: Title 21, United States Code, Section 841(a)(1), Title 18, United States Code, Sections 922(g)(1), 924(c), and 924(e)(1)

**Presiding Judge Steven C. Seeger
COUNT ONE Magistrate Judge Young B. Kim**

The SPECIAL NOVEMBER 2019 GRAND JURY charges:

1. On or about November 20, 2020, at Aurora, in the Northern District of Illinois, Eastern Division, and elsewhere,

JOSE LUIS OLIVA,

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, a quantity of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

2. Before JOSE LUIS OLIVA committed the offense charged in this count, JOSE LUIS OLIVA had a final conviction for a serious drug felony, namely, a conviction in Case No. 02 CR 719 (Northern District of Illinois), for conspiracy to possess with intent to distribute and distribute cocaine, in violation of Title 21, United States Code, Section 846, for which he served more than 12 months'

imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

COUNT TWO

The SPECIAL NOVEMBER 2019 GRAND JURY further charges:

On or about November 20, 2020, at Aurora, in the Northern District of Illinois, Eastern Division,

JOSE LUIS OLIVA,

defendant herein, knowing that he had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess, in and affecting interstate commerce, a firearm, namely, a loaded black HiPoint Model C9, 9mm semiautomatic pistol bearing serial number P1901238, which firearm had traveled in interstate commerce prior to defendant's possession of the firearm;

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1).

COUNT THREE

The SPECIAL NOVEMBER 2019 GRAND JURY further charges:

On or about November 20, 2020, at Aurora, in the Northern District of Illinois, Eastern Division,

JOSE LUIS OLIVA,

defendant herein, did knowingly possess a firearm, namely, a loaded black HiPoint Model C9, 9mm semiautomatic pistol bearing serial number P1901238, in furtherance of a drug trafficking crime for which defendant may be prosecuted in a court of the United States, namely, possession with intent to distribute a quantity of a mixture and substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, as charged in Count One of this Indictment;

In violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

FORFEITURE ALLEGATION

The SPECIAL NOVEMBER 2019 GRAND JURY further alleges:

1. Upon conviction of an offense in violation of Title 18, United States Code, Sections 922(g) or 924(c), or Title 21, United States Code, Section 841, as set forth in this Indictment, defendant shall forfeit to the United States of America any firearm and ammunition involved in and used in the offense, as provided in Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of an offense in violation of Title 21, United States Code, Section 841, as set forth in this Indictment, defendant shall forfeit to the United States of America any property used, and intended to be used, in any manner and part, to commit and to facilitate commission of the offense, as provided in Title 21, United States Code, Sections 853(a)(2).

4. The property to be forfeited includes, but is not limited to the following specific property:

a. a black HiPoint Model C9, 9mm semiautomatic pistol bearing serial number P1901238, and associated ammunition; and

b. a black short-barreled rifle and associated ammunition, seized by law enforcement on November 20, 2020, from 937 Bowditch Avenue, Aurora, Illinois; and

c. approximately \$19,500, seized by law enforcement on November 20, 2020, from 937 Bowditch Avenue, Aurora, Illinois.

5. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, as provided by Title 21, United States Code Section 853(p).

A TRUE BILL:

FOREPERSON

Signed by Erika Csicsila on behalf of the
UNITED STATES ATTORNEY